UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/587,979	10/10/2006	Vlad Stirbu	800.0124.U1(US)	7089

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EXAMINER
AGA, SORI A

ART UNIT	PAPER NUMBER
2476	

MAIL DATE	DELIVERY MODE
09/12/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

THE REPLY FILED 04 August 2011 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

   a) ☒ The period for reply expires _3_ months from the mailing date of the final rejection.

   b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

   Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because

   (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);

   (b) ☐ They raise the issue of new matter (see NOTE below);

   (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

      NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: _____.

   Claim(s) objected to: _____.

   Claim(s) rejected: _____.

   Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See below.

12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____.

13. ☐ Other: _____.

/Ayaz R. Sheikh/
Supervisory Patent Examiner, Art Unit 2476

/Sori A Aga/
Examiner, Art Unit 2476

In response to applicant's argument that the Jou reference is not valid because the provisional application does not contain the cited paragraph (see applicant's remarks page 9-10) , it should be noted that Jou's provisional application still have support for said paragraph (See second paragraph under 'summary of the invention' in page 3 where Jou teaches "When N1 and N2 relay the frame, they both add X in the "previous hop" field of the frame. Most likely device X will receive both these relayed frames from N1 and N2. With its address contained in the frame, device X can immediately realize (compare and determine) it should drop the frames without processing")

Jou explicitly teaches that a node that receives a broadcast frame checks the destination address of the broadcast frame as discussed in the office action (see discussion regarding claim 16 and paragraph 0029-Jou). This is done in order to (as discussed by the applicant in the remarks pages 10-12) filter out frames that are sent by the node itself and that are echoed back to the same node. In order to achieve this Jou teaches a destination address field is used to carry the address of the previous node that sent/forwarded the frame (see Jou paragraph 0022). Therefore, the end result is that the node in Jou checks for a destination address within a broadcast frame (i.e. the claimed 'multicast/broadcast and destination address). The recitations broadcast/multicast address and multicast address are not defined by the claim; the specification does not provide a clear explanation of said terms. In the absence of an express intent to impart a novel meaning to the claim terms, the words are presumed to take on the ordinary and customary meanings attributed to them by those of ordinary skill in the art [MPEP 2111.01]. In this case Jou's destination address (although MAC address of the previous hop) is considered a multicast address since it is a multicast destination address (as shown above and discussed in paragraph 0022-Jou). Applicant's arguments do not show how the claims prevent a reasonable broadest interpretation of said terms would prevent such interpretation as supported by the Jou reference.

Examiner respectfully disagrees with applicant's assertion that Rune does not teach "comparing the destinatino address of the packet with the at least one predetermined multicast and/or broadcast addess" and "preventing the transmission of the packet to a first device in reponse to the addresss matching" (see applicant's remarks pages 13-16) . This assertion amounts to attacking the reference individually. The office action relied upon the Jou reference for teaching "comparing the destinatino address of the packet with the at least one predetermined multicast and/or broadcast addess" (specially the step of 'comparing', 'destination address' and 'multicast address' are disclosed by the Jou reference). In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See In re Keller, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); In re Merck & Co., 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). In addition, examiner respectfully disagrees with applicant's statements that seem to imply that filtering is done (only?) by filtering out packets by type and not address. In contrast, even though Rune teaches filtering out by type, Rune also teaches filtering out by address (see paragraph 0215). Therefore, one having ordinary skill in the art would take Rune (for teaching filtering out broadcast packets by address, and use Jou to learn how to filter by address (i.e. comparing the destination address of the packet with multicast address).

Finally, examiner thanks applicant for pointing out the typographical error where the final office action ommitted 'Jou' from the statement of rejection. It is noted that Jou is intended to be included in the rejection statement.